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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,018	04/20/2001	Bruce L. Davis	P0363	3062

23735 7590 05/28/2004

DIGIMARC CORPORATION  
19801 SW 72ND AVENUE  
SUITE 250  
TUALATIN, OR 97062

EXAMINER
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CHOOBIN, BARRY

ART UNIT	PAPER NUMBER
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2625

DATE MAILED: 05/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/840,018

Applicant(s)

DAVIS ET AL.

Examiner

Barry Choobin

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☒ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6, 12, 15, 19-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Hurtado et al (US 6,611,812).

As to claim 1, Hurtado et al disclose a method for processing metadata of a media signal comprising: embedding metadata steganographically in the media signal (column 55, line 25 where metadata is obtained and consequently watermark processing in step 808 is performed (column 56, line 24)).

As to claim 2, Hurtado et al disclose the metadata in the media signal is encrypted (Fig.8, step 811).

As to claim 3, Hurtado et al disclose the metadata in the media signal is compressed (Fig.8, step 809).

As to claims 4 and 5, Hurtado et al disclose the media signal comprises a printed image (column 1, lines 60-65) and the compressed metadata includes voice data (column 76, lines 57-65).

As to claim 6, Hurtado et al disclose the metadata in the media signal includes a metadata digest (column 28, lines 5-9).

As to claims 12 and 15, Hurtado et al disclose the metadata in the media signal includes a content signature of the media signal (Fi.6, element 624)

As to claims 19 and 20, Hurtado et al disclose the metadata in the media signal includes a time stamp (column 41, lines 1-5).

As to claims 21 and 26, Hurtado et al disclose editing of media signal (column 90, lines 55-64).

As to claims 22 and 27, Hurtado et al disclose encoding a digital watermark into the media signal (column 28, lines 61-67).

As to claims 23 and 28, Hurtado et al disclose the event comprises transfer of the media signal from device to another (column 4, lines 10-15).

As to claims 24 and 25, Hurtado et al disclose a location stamp (column 20, lines 65-67).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7-11, 14, 16, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hurtado et al and in view of Sirvastava et al (US 6,549,922).

As to claim 7, Hurtado et al disclose the method of claim 6 (see claim 6, above). However, Hurtado et al is silent about the metadata digest includes descriptors of external metadata about the media signal, where the external metadata is stored in a database external to the media signal. But on the other hand, Siravasta et al disclose a system for collecting, transforming and managing media metadata comprising: the metadata digest includes descriptors of external metadata about the media signal, where the external metadata is stored in a database external to the media signal (column 2, lines 45-65).

Art Unit: 2625

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide the metadata digest includes descriptors of external metadata about the media signal, where the external metadata is stored in a database external to the media signal as thought by Siravasta et al with the system of Hurtado et al in order to improve managing, indexing and searching of digital media by application programs without special programming.

As to claim 8, Siravasta et al disclose the descriptors provide an abbreviated version of the external metadata (column 10, lines 12-20).

As to claim 9, Siravasta et al disclose the steganographically embedded metadata includes an index to the external metadata stored in the database (column 8, lines 36-41).

As to claim 10, Hurtado et al disclose extracting the metadata from the media signal and displaying descriptors of the external metadata (column 76, lines 28-48).

As to claim 11, Hurtado et al disclose displaying a link to the external metadata; in response to selection of the link, fetching the external metadata associated with the link (column 76, lines 28-48).

As to claims 14, Hurtado et al disclose the content signature comprises a hash of the media signal, and computing the hash includes computing salient features of the media signal (column 4, lines 10-25).

As to claims 16 and 18, said claims are similarly analyzed and rejected as claim 7.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hurtado et al in view of Matsumoto et al (US 6,571,222).

As to claims 29 and 30, Hurtado et al disclose the limitation of claim 1 (see claim 1).

Hurtado et al does not disclose expressly relating external metadata and media signal in a manner in which validity of the metadata can be evaluated by comparison.

Matsumoto et al disclose relating external metadata and media signal in a manner in which validity of the metadata can be evaluated by comparison (column 9, lines 24-49).

Hurtado et al and Matsumoto et al are combinable because they are from same field of endeavor being communication between software units.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use the authentication processing using hash of the metadata by encrypting the information of Matsumoto et al to modify Hurtado et al.

The suggestion/motivation for doing so would have been enabling the service type context of the service type, the authentication information, the authority

Art Unit: 2625

information of the client, and the like to be described in a strict and extensible form (column 9, lines 50-56).

Therefore, it would have been obvious to combine Matsumoto et al with Hurtado et al to obtain the invention as specified in claim.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hurtado et al and in view of Sirvastava et al as applied to claim 16 and further in view of Gardere et al (US 6,678,332).

As to claims 17, both Hurtado and Sirvastava fail to disclose the external metadata is stored in a file header of the media signal.

But on the other hand, Gardere et al disclose processing of compressed audio/video data comprising storing metadata in file header (column 26, lines 23-31).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide storing the metadata in a file header of Gardere et al with the work of both Hurtado et al and Sirvastava et al in order to precompute the metadata and speed up the process (column 26, lines 8-10).



***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hurtado et al in view of Ugon (US 5,944,833).

As to claim 13, Hurtado et al disclose the content signature comprises a hash of the media signal.

Hurtado et al is silence about computing the hash includes low pass filtering the media signal.

But on the other hand, Ugon discloses an integrated circuit and the process comprising computing the hash includes low pass filtering the media signal (column 10, lines 4-20).

Hurtado et al and Ugon are combinable because they both deal with signal processing. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Ugon with Hurtado et al in order to improve integrated circuit and the process for using it (column 1, lines 6-10).

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 2003/0093790 to Logan et al.

US 2003/0012403 to Rhoads et al.

US 2002/0194480 to Nagao.

US 2002/0120849 to McKinley et al.

US 2001/0031066 to Meyer et al.

US 6487301 to Zhao.

US 2002/0122568 to Zhao.

US 2003/0126432 to Tonisson.

US 6683966 to Tian et al.

US 6611607 to Davis et al.

US 6523172 to Martinez Guerra et al.

US 2003/0103645 to Levy et al.

#### ***CONTACT INFORMATION***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry Choobin whose telephone number is 703-306-5787. The examiner can normally be reached on M-F 7:30 AM to 18:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 703-308-5246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Application/Control Number: 09/840,018

Page 10

Art Unit: 2625

Barry choobin

May 19, 2004

A handwritten signature in black ink, appearing to read 'Bh Menta', with a long horizontal flourish extending to the right.

**BHAVESH M. MENTA**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**